

Application No. 08/685338
Page 5

Amendment
Attorney Docket No. S63.2B-5902-US01

Remarks

This Amendment is in response to the Office Action dated February 4, 2004.
Each issue is discussed in detail below.

Specification

The disclosure was objected to because of certain informalities. It was pointed out in the action that the serial number on page 5, line 9, is incorrect.

Due to a clerical error, one digit in cited serial number is incorrect, as pointed out by the examiner. In response, Applicant is amending the specification to correctly state the serial number. The amendment also updates the status of the application by stating the resulting patent number.

§112 Rejections

Claims 43 and 48-66 were rejected under 35 USC §112, first paragraph. It was asserted in the action that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, it was asserted in the official action, that the specification has no support for the claimed subject matter "the balloon being a presterilized balloon", and "the balloon being mounted on the catheter" in claim 48.

As to "the balloon being a presterilized balloon", support may be found on page 12 in lines 14-18, where, in part, it states that [t]he balloon shrinking process is similar to that described in US 5,348, 538". The description of the balloon catheter making process in the cited reference can be found starting in column 9, on line 17, and ending in column 11, at line 59. The text describes the forming and conditioning of the balloon and at the end, starting on line 57, it states that "[a]fter the balloon catheter has been removed from the annealing process it is sterilized under ethylene oxide at 47° Centigrade." The forming and conditioning of the balloon, which relates to the presently claimed invention, is done prior to sterilization. As such, the balloon at that particular time is a presterilized balloon.

As to "the balloon subsequently being mounted on a catheter", although Applicant disagrees with the rejection, the phrase has been removed to move the claims forward to

Application No. 08/685338
Page 6

Amendment
Attorney Docket No. S63.2B-5902-US01

allowance.

§103 Rejections

Claim 43 was rejected under 35 USC §103(a) as being unpatentable over Hamilton et al. (US 5797877) in view of Anderson et al (US 5500180).

Although Applicant disagrees with the rejection, the claim is being canceled to forward the application to allowance. Applicant will pursue the canceled subject matter in further continuation applications.

Claims 55-64 were rejected under 35 USC §103(a) as being unpatentable over Anderson et al.

Although Applicant disagrees with the rejection, the claims are being canceled to forward the application to allowance. Applicant will pursue the canceled subject matter in further continuation applications.

Claims 65 and 66 were rejected under 35 USC §103(a) as being unpatentable over Anderson et al. in view of Cohen et al. (US 5167239).

Although Applicant disagrees with the rejection, the claims are being canceled to forward the application to allowance. Applicant will pursue the canceled subject matter in further continuation applications.

Application No. 08/685338
Page 7

Amendment
Attorney Docket No. S63.2B-5902-US01

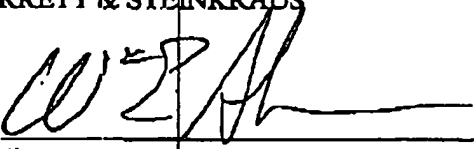
CONCLUSION

The claims are now believed to be in condition for allowance. The prompt allowance of these claims is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: May 4, 2004

By: 
William B. Anderson II
Registration No.: 37766

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

E:\wpwork\weal\05902us01_mmd_20040504.doc